



3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
215.981.4000
Fax 215.981.4750

August 16, 2018

VIA ECF

Hon. Roanne L. Mann
Chief Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Lelchhook, et al. v. Islamic Republic of Iran, et al., 1:16-cv-07078-ILG-RLM

Dear Judge Mann:

This Firm has represented defendant Bank Saderat PLC (“BSPLC”) in the above case.

As the Court is aware and as set forth in Pepper Hamilton LLP’s (“Pepper”) mandatory Motion to Withdraw (filed August 10, 2018), this Firm has been discharged as counsel by BSPLC and BSPLC has determined not to further participate in the proceedings in this case. The mandatory Motion to Withdraw is pending the Court’s consideration, and Pepper therefore currently remains counsel of record for BSPLC in this case.

After filing the Motion, the Court held a telephonic hearing and filed its Minute Entry (“Minute”) on the same day, August 10, 2018.

As indicated in the Minute, the Court, among other things, directed this Firm to confer with BSPLC and to seek to arrange a telephone hearing with BSPLC regarding this matter. Pepper has separately filed a letter response dated August 16, 2018 to that request.

The Minute also directed Pepper to respond to plaintiffs’ request that an agent be designated for service of orders and judgment in the event Pepper is permitted to withdraw.

As noted, Pepper has been discharged and is without authority to respond for BSPLC. Pepper however objects to any such designation as a service agent, and requests that its proposed order permitting its withdrawal be entered. Requiring Pepper to be a process server to its former client would place it as an agent of plaintiffs, and present a conflict of interest. As BSPLC’s former counsel, Pepper continues to have duties to its former client. See, e.g., RPC 1.16(e), 1.7 and 1.9.



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Pepper is not a service agent but a law firm, and it should not be required to undertake such a function as former defense counsel to its client in the ordinary course. Additionally, there would be little point. BSPLC's address in the United Kingdom (where it is a chartered financial institution) is public and of record. Pepper's ongoing ability to effect service would be no different than plaintiffs' ability. While plaintiffs may have sought to require such a thing in the past, we are not aware of any Second Circuit cases so ordering a discharged law firm to act as a service agent. See *Emile v. Browner*, 1996 U.S. Dist. LEXIS 18654 (S.D.N.Y. 1996) (collecting cases that included conditions to withdraw, none of which apply to this case). Pepper will separately respond, if need be, to any positions of plaintiffs on withdrawal.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy D. Frey".

Jeremy D. Frey (admitted *pro hac vice*)

cc: All counsel of record via ECF